

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DOUGLAS PRESTON SMITH, :

:

Petitioner, : No. 1:21-cv-838

:

v. : (Judge Rambo)

:

**DISTRICT ATTORNEY FOR :
CUMBERLAND COUNTY, *et al.*, :**

Respondents

ORDER

AND NOW, on this 10th day of June 2021, for the reasons set forth in the Memorandum accompanying this Order, **IT IS ORDERED THAT**:

1. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE** to Petitioner's right to file, within thirty (30) days of the date of this Order, an amended § 2254 petition that sets forth cognizable claims for habeas corpus relief;
2. The Clerk of Court is directed to provide Petitioner this Court's form for filing a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254; and
3. Petitioner is advised that if he fails to file an amended § 2254 petition as set forth above, the dismissal of his original § 2254 petition (Doc. No. 1) will be deemed to be with prejudice.

s/ Sylvia H. Rambo
United States District Judge